

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DRAYDEN D. SHUMPERT,  
 Plaintiff,

vs.

D. MADRID, *et al.*,  
 Defendants.

Case No. 2:15-cv-02273-JAD-GWF

**ORDER**

This matter is before the Court on Plaintiff's Motion to Compel Video Evidence (ECF No. 34), filed on January 30, 2017.

On January 11, 2017, the District Court entered an order granting Defendants' Motion to Stay pursuant to *Heck v. Humphrey*. See *Order* (ECF No. 32). Plaintiff has since moved to lift the stay and requests that the Court compel the production of video surveillance of the incident underlying this litigation. See ECF Nos. 33 and 34. Plaintiff asserts that this video evidence will show that Defendants' alleged attack on Plaintiff was premeditated and was carried out with excessive force. *Motion* (ECF No. 34), pg. 3. Because the stay imposed by the District Court has not yet been lifted, Plaintiff's request is premature. Plaintiff's request goes to the merits of the claims set forth in his complaint and the proper time to bring such a request would be during discovery. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel Video Evidence (ECF No. 34) is **denied**, without prejudice.

DATED this 7th day of February, 2017.

  
 GEORGE FOLEY, JR.  
 United States Magistrate Judge